



021304

13281 U.S. PTO

SHERIDAN NEIMARK  
ROGER L. BROWDYANNE M. KORNBAU  
NORMAN J. LATKER  
DIANA MICHELLE SOBO  
AOI NAWASHIROOF COUNSEL  
IVER P. COOPER  
JAY M. FINKELSTEIN

## BROWDY AND NEIMARK, P.L.L.C.

ATTORNEYS AT LAW  
PATENT AND TRADEMARK CAUSESSUITE 300  
624 NINTH STREET, N.W.  
WASHINGTON, D. C. 20001-5303

TELEPHONE (202)-628-5197

February 13, 2004

ALVIN BROWDY (1917-1998)

PATENT AGENT  
ALLEN C. YUN, PH.D.TELECOPIER FACSIMILE  
(202) 737-3528  
(202) 393-1012E-MAIL  
mail@browdyneimark.comHon. Commissioner for Patents  
Box Patent Appln  
Washington, D.C. 20231

Re: Division of Application No. 09/962,625  
Applicant(s): Yoshiaki YANAI et al  
Title: EXPRESSION ENHANCER FOR PROTEIN SYNTHESIS INHIBITORY GENES  
Atty's Docket: YANAI=2A

031356 U.S. PTO  
10/777081  
021304

Sir:

Attached herewith is the above-identified divisional application for Letters Patent including:

- ☒ Specification (56 pages), claims (4 pages), Sequence Listing (7 pages), and abstract (1 page)  
☐ \_\_\_ Sheets Drawings (Figures 1-\_\_\_)  
    ☐ Formal   ☐ Informal  
☒ Declaration and Power of Attorney ( 2 page(s))  
    ☐ Newly executed   ☒ Copy from prior application no. 09/962,625  
☐ Preliminary Amendment  
    ☐ Computer-readable Sequence Listing  
☐ Supplemental Preliminary Amendment  
☐ Information Disclosure Statement with \_\_\_ references  
☐ A verified statement to establish small entity status under 37 CFR §1.9 and 37 CFR §1.27 (\_\_\_ page(s))  
☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 942.00, to cover the filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$770.00
TOTAL CLAIMS	18 - 20	= 0	x 18	--
INDEPENDENT CLAIMS	5 - 3	= 2	x 86	\$172.00--
<input type="checkbox"/> Multiple Dependent Claim Presented			+ 290	--
<input type="checkbox"/> Reduction of 1/2 for Small Entity				
TOTAL FILING FEE				\$942.00

- ☐ Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment (for entry after calculation of the filing fee) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATION
TOTAL		-	=	x 18	
INDEP.		-	=	x 86	
[ ] Multiple Dependent Claim Presented				+ 290	
[ ] Reduction by 1/2 for Small Entity					
Total Additional Fee =					

- ☐ Other Fees: \_\_\_\_\_
- ☐ Other Attachments: \_\_\_\_\_
- ☒ Return Receipt Postcard (in duplicate)

The following statements are applicable:

- ☒ The benefit under 35 USC §119 is claimed of the filing date of:  
Application No. 328539/2000 in Japan on October 27, 2000. Application No. 116710/2001 in Japan on April 16, 2001. Certified copies of said priority documents were filed to the file of parent application 09/962,625, on May 30, 2002.
- ☒ The present application is a Division of prior Application No. 09/962,625.
- ☒ Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ Pursuant to 37 C.F.R. §1.63(d)(2), please delete as inventor(s) the name(s) of \_\_\_\_\_, who is/are not inventor(s) in the present divisional application.
- ☒ The prior application was assigned to: Kabushiki Kaisha Hayashibara Seibutsu Kagaku Kenkyujo  
of: 2-3, Shimoishii 1-chome, Okayama-shi, Okayama, Japan
- ☐ Amend the specification by inserting before the first line the sentence:
- ☒ Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior application 09/962,625, which is relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO/SB/08A listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- ☒ The paper copy of the Sequence Listing in this application is identical to the computer-readable copy of the Sequence Listing filed September 26, 2001 in application no. 09/962,625. In accordance with 37 CFR §1.821(e), please use the only/first-filed/last-filed [use applicable] computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application (or included in a separately filed preliminary amendment for incorporation into the specification).

In re Division of 09/962,625

- ☒ As in the parent application 09/962,625, please associate the present application with **Customer No. 001444** and recognize only the practitioners associated therewith.
- ☐ A verified statement claiming small entity status is enclosed in progenitor application no. , filed . Status is still proper and desired.
- ☐ The undersigned attorney of record hereby revokes the powers of attorney of:
- ☐ The undersigned attorney of record hereby appoints associate power of attorney, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith to:
- ☒ The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:
  - ☒ Any additional filing fees required under 37 CFR §1.16.
  - ☒ Any patent application processing fees under 37 CFR §1.17.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:
  - ☒ Any patent application processing fees under 37 CFR §1.17.
  - ☐ The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).
  - ☒ Any filing fees under 37 CFR §1.16 for presentation of extra claims.
  - ☒ If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR. §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- ☒ The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

By: 

Anne M. Kornbau

Registration No. 25,884

:ma:jaa